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14 Biosuccess Biotech, Co., Ltd.
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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

13 BIOSUCCESS BIOTECH, CO., LTD.,
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15 Plaintiff,
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17 v.
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21 RICH PHARMACEUTICALS, INC., a
22 Nevada Corporation formerly known as
23 Nepia, Inc., IMAGIC, LLC, a California
24 LLC, RICHARD L. CHANG
25 HOLDINGS, LLC, a New Jersey LLC,
26 BEN CHANG, an individual, and DOES 1
27 through 10, inclusive,
28

Defendants.

Case No. 14-CV-00310 JAK (ANx)

[Related Case: 2:13-cv-01340-JAK-AN]

Judge John A. Kronstadt

**PLAINTIFF BIOSUCCESS
BIOTECH, CO., LTD.'S
REQUEST FOR ENTRY OF
DEFAULT AGAINST
DEFENDANT RICH
PHARMACEUTICALS, INC.**

[Concurrently filed with the
Declaration of Enoch Liang In
Support]

1 **TO THE CLERK OF THE ABOVE-ENTITLED COURT:**

2 Pursuant to Federal Rule of Civil Procedure 55, Plaintiff BIOSUCCESS
3 BIOTECH, CO., LTD. (“Biosuccess”) respectfully requests that the Clerk of the
4 above-entitled Court enter default in this matter against Defendant RICH
5 PHARMACEUTICALS, INC. (“Defendant”) based on the following:

6 1. On January 14, 2014, Biosuccess filed a complaint alleging, inter alia,
7 patent and copyright infringement, against Defendant. *See* Dkt. No. 1; Declaration
8 of Enoch H. Liang In Support of Plaintiff Biosuccess Biotech, Co., Ltd.’s Request
9 For Entry of Default (“Liang Decl.”), at ¶ 2.

10 2. Defendant was served with the summons and complaint on January 21,
11 2014 by personal service on Lindsey Quackenbush at Cane Clark Agency LLP, a
12 Nevada law firm authorized by the Defendant (which is a Nevada Corporation) to
13 receive service of process. *See* Dkt. No. 12; Liang Decl., at ¶ 3.

14 3. The time for Defendant to respond or otherwise defend against
15 Plaintiff’s complaint has expired. Defendant’s response deadline was February 11,
16 2014. *See* Fed. R. Civ. P. 12(a)(1); Liang Decl., at ¶ 4.

17 4. Defendant is neither a minor nor an incompetent person, and Defendant
18 is not a member of the U.S. military. Liang Decl., at ¶ 5.

19 5. To date, Defendant has not filed a pleading in response to Plaintiff’s
20 complaint, nor has Defendant taken any action that otherwise indicates Defendant’s
21 intent to defend the suit. For example, Defendant has filed neither an answer nor
22 any motion in response to Plaintiff’s complaint. Liang Decl., ¶ 6.

23 6. Also, on February 14, 2014 and again on February 21, 2014, Plaintiff’s
24 counsel conferred with counsel for Richard Chang in related Case No. 2:13-cv-
25 01340-JAK-AN (*Richard Chang v. Biosuccess*) regarding the possibility of
26 consolidating the two actions and regarding whether they were representing the
27 defendants in this action. Richard Chang’s counsel stated that their firm currently
28 did not represent any of the defendants in this action and that he could not state

1 whether their firm would represent any of the defendants in this action. Liang Decl.,
2 ¶ 7.

3 7. The Court must enter default “when a party against whom a judgment
4 for affirmative relief is sought has failed to plead or otherwise defend, and that
5 failure is shown by affidavit or otherwise.” Fed. R. Civ. P. 55(a).

6 8. Defendant has failed to plead or defend as required by the Federal
7 Rules, and therefore it is appropriate for this Court to enter default against
8 Defendant with respect to Plaintiff's complaint.

10 For the reasons set forth above, Plaintiff respectfully requests that the Clerk of
11 this Court enter default against Defendant on Plaintiff's complaint.

13 | Dated: February 21, 2014

Respectfully Submitted,

LEE TRAN & LIANG LLP

By: /s/ Enoch H. Liang

Enoch H. Liang

Attorneys for Plaintiff

BIOSUCCESS BIOTECH, CO., LTD.